

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STUART SOMLAR,

Plaintiff,

v.

NELNET, INC.,

Defendant,

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No. 4:16-CV-1037 AGF

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for default judgment. The Court is unsure whether defendant has been properly served. Therefore, the Court will order the Clerk to serve process on defendant's Registered Agent.

Rule 4(h) of the Federal Rules of Civil Procedure provides:

Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served:

(1) in a judicial district of the United States:

(A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or

(B) by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and--if the agent is one authorized by statute and the statute so requires--by also mailing a copy of each to the defendant . . .

Summons was served on Wendy Beck, Director of [unintelligible] Services. It is not clear, therefore, whether Ms. Beck is an officer authorized to receive service of process.

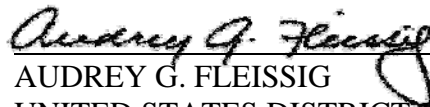
According to the Nebraska Secretary of State's website,¹ the Registered Agent for defendant is CT Corporation System, 5601 South 59th Street, Lincoln, NE 68516. The Court will therefore order the Clerk to issue process on CT Corporation System to ensure that defendant is properly served.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to serve process on CT Corporation System, 5601 South 59th Street, Lincoln, NE 68516.

IT IS FURTHER ORDERED that the Court will hold plaintiff's motion for default judgment in abeyance pending the resolution of this matter.

Dated this 31st day of August, 2016.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

¹ <https://www.nebraska.gov/sos/corp/corptestsearch.cgi> (accessed on August 31, 2016).